

CHAPTER NO. 452

SENATE BILL NO. 434

By Ford

Substituted for: House Bill No. 1419

By Ulysses Jones

AN ACT to amend Tennessee Code Annotated, Title 49, Chapter 3, relative to school finance.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 49-3-317, is amended by deleting § 49-3-317(c)(1) in its entirety and replacing it with the following:

If, as of July 1 of any school year, there has been a change since the beginning of the previous school term in the boundaries of an LEA or, pursuant to § 49-2-106, the creation or reactivation of an LEA, which involves the shifting of students from one (1) LEA to another, or two (2) or more LEAs enter into a joint agreement that results in the shifting of students from one (1) LEA to another, then, in the distribution of state education funds, the commissioner shall determine, on the basis of information submitted to the commissioner by the appropriate boards, the ADM of students residing in such affected area, involved in such shift.

SECTION 2. Tennessee Code Annotated, Section 49-3-317, is amended by deleting Tennessee Code Annotated, § 49-3-317(c)(2), in its entirety and replacing it with the following:

If, as of July 1 of any school year, there has been a change since the beginning of the previous school term in the boundaries of an LEA or, pursuant to § 49-2-106, the creation or reactivation of an LEA, which involves the shifting of students from one (1) LEA to another, or two (2) or more LEAs enter into a joint agreement that results in the shifting of students from one (1) LEA to another, the commissioner shall upwardly adjust the ADM in favor of the LEA receiving students based on the number of students shifted; and such adjusted ADM shall be used in making the apportionment and distribution of state education funds.

SECTION 3. Except as hereby amended, the provisions of Title 49, Chapter 3, shall remain in full force and the effect from after the effective date hereof.

SECTION 4. To the extent the provisions of this act conflict with the provisions of Title 49, Chapter 3, this act shall prevail.

SECTION 5. If any provision of this act or the application thereof shall be held by any court of competent jurisdiction to be invalid or unenforceable to any extent, the remainder of this act and the application of such provision shall not be affected thereby and this act shall be enforced to the greatest extent permitted by law, it being the intent of the General Assembly that the provisions of this act are declared to be severable.

SECTION 6. This act shall take effect upon becoming a law, the public welfare requiring it.

PASSED: May 26, 2005


JOHN S. WILDER
SPEAKER OF THE SENATE


JIMMY NAIFEH, SPEAKER
HOUSE OF REPRESENTATIVES

APPROVED this 18th day of June 2005


PHIL BREDESEN, GOVERNOR